



DEPARTMENT OF SOCIAL SERVICES
FOSTER CARE PROGRAM

**From The Office Of State Auditor
Claire McCaskill**

*Better management of the foster care program
is needed to ensure children are safe.*

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PERFORMANCE AUDIT

**DEPARTMENT OF SOCIAL SERVICES
FOSTER CARE PROGRAM**

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Missouri State Auditor

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and
Steve Renne, Acting Director
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and
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The State Auditor's Office audited the Department of Social Services, Division of Family Services (division), Children's Services Foster Care Program. This report focuses on child safety issues.

The objectives of this audit were to review the state's foster care program to determine whether:

- (1) Children in division custody are safe, located, and handled according to key provisions of federal and state laws, state rules and departmental policies.
- (2) Foster parents are qualified with an acceptable, non-criminal, non-violent background; adequately trained; and receive appropriate support from the division.
- (3) Social workers are appropriately performing the duties required with the foster children assigned to them, which include: placement, case planning, individual child monitoring and proper documentation of all case activities, conditions, and progress.

We concluded the division serves as a safe haven for children who are abused or neglected by their parents or other caregivers, but improvements should be made to better manage the foster care program to increase child safety.

We conducted our audit in accordance with applicable standards contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and included such tests of the procedures and records as were considered appropriate under the circumstances.

A handwritten signature in black ink, reading "Claire McCaskill". The signature is fluid and cursive, with the first name "Claire" and last name "McCaskill" clearly distinguishable.

Claire McCaskill
State Auditor

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RESULTS AND RECOMMENDATIONS

The Safety and Well-Being of Foster Children Needs Management Attention

Audit tests disclosed at-risk children could receive better care from the Division of Family Services (division). The foster care system provides a safe haven for children at risk in their own homes until the risk can be eliminated or until division officials place the child in a safe home. To maintain a safe haven, improvements in managing the foster care program are needed. Case reviews disclosed division personnel did not:

- Make required in-home visits to foster children.
- Effectively conduct family support team meetings.
- Effectively follow up and ensure runaway children received enough attention.
- Start termination of parental rights proceedings timely.
- Place children in available foster homes.
- Ensure foster parents received no more foster children than allowed by policy.
- Use additional available systems and methods to check foster parent backgrounds.
- Take action to locate all the state's foster children even after other states did; but instead, relied on a substitute method using a family support team concept which did not accomplish this purpose.
- Consistently take advantage of concurrent planning.

Division officials attributed some causes for these conditions to inadequate cooperation and coordination with organizations outside the division's control, particularly the court system. As a result, some children remained in foster care too long, and some children were not removed from homes.

Adoption and Safe Families Act

The federal Adoption and Safe Families Act (the act), Public Law 105-89 was enacted November 1997 and all states subsequently passed conforming legislation. Key provisions of the act include promoting adoption and other permanency options by the following requirements:

- Hold permanency hearings for children no later than 12 months after they enter foster care (6 months earlier than the prior law).
- Track new children entering care so termination of parental rights (termination) proceedings will be initiated for children in foster care for 15 of the most recent 22 months, unless certain case exceptions apply.
- Initiate termination proceedings for additional circumstances including: an abandoned infant; or a parent who committed murder, voluntary manslaughter, or aggravated assault of another of his/her children. In certain case situations, exceptions are allowed.

The act also awards states a \$4,000-per-child incentive for each foster care child adopted over the previous year adoption baseline. For example, if the adoption baseline is set at 200 and the

division places 202 in adoption, the state would receive an \$8,000 incentive for 2 children. The incentive funds are to be used for child welfare services. The division has received \$1.2 million in incentives since the Act was implemented. *(See Appendix II, page 25, for more discussion of the Act, implementing state statutes, and incentive payments.)*

Federal and state laws, state regulations, and division policies assign many duties and responsibilities to the division and its social workers. The timing for accomplishing many of these duties is critical either for protecting the child or to follow mandated laws, rules, and policies. Some division operations in heavily populated areas can allow more caseload specialization, such as dedicating a social worker to alternative or foster care cases, while other workers handle a variety of case types. Most social workers have a large caseload requiring many and significant demands on multiple cases needing completion at the same time. Regardless of location and caseload, the social workers have an extensive range of critical responsibilities necessary to protect at-risk children. Failure to perform certain tasks or making the wrong decision can have potentially tragic results.

Worker duties related to alternative care cases include, but are not limited to:

- Obtaining, monitoring and supporting suitable alternative care placement.
- Facilitating needed child and family treatment.
- Monitoring and coordinating natural parent progress towards reunification.
- Facilitating family support team meetings (team).

Team members include: the social worker, social worker's supervisor, natural parents, children (if age appropriate), juvenile officer, Guardian Ad Litem and/or Court Appointed Special Advocate, parents' attorneys, family helper/advocate (friend, neighbor, relative, clergy, etc.), placement provider, currently involved treatment providers and school personnel.

(Appendix III page 36, gives some historical perspective to the foster care program.)

Foster care as a safe haven

Approximately 12,000 children were in foster care as of December 31, 2002, and the foster care system served about 19,000 children during fiscal year 2002. Over the past 5 years the division has served approximately 1.1 percent of the state's child population and 0.3 percent of the state's total population. These children came into the system through court orders, and programs of division of youth services and the Department of Mental Health.

Table 1.1 shows the increase in the number of children in care for the last 5 years.

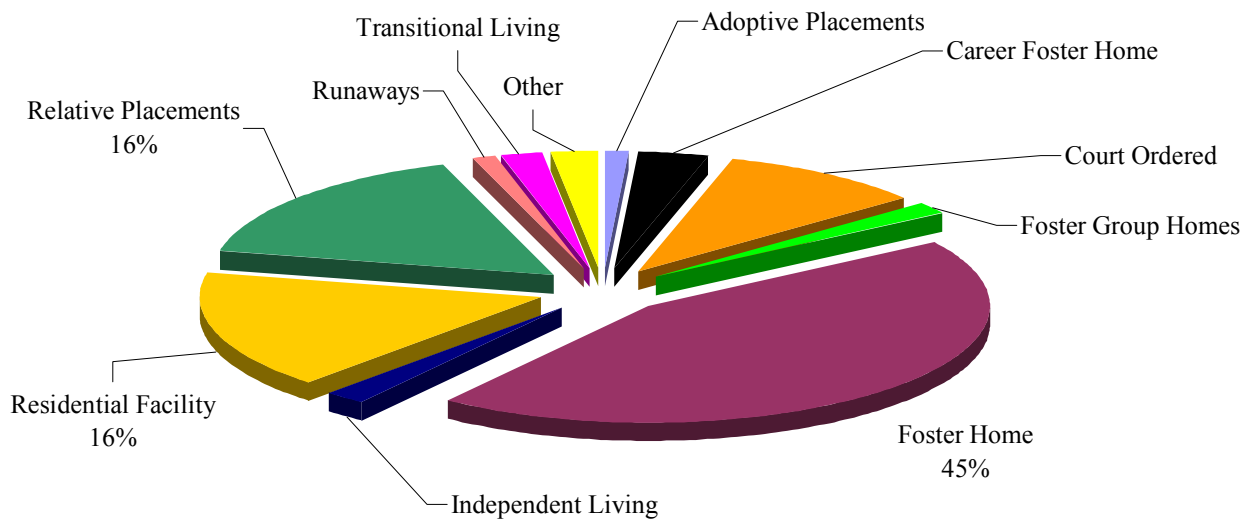
Table 1.1: Number of Foster Care Children

Year	Children Served	Percent Increase
1997	15,715	NA
1998	16,535	5
1999	17,239	4
2000	18,020	4
2001	18,622	3
2002	19,495	5

Source: Division of Family Services annual reports

The juvenile court system, upon the recommendation of the division or others, can order a child into foster care due to abuse, neglect or other safety factors. Several types of alternative placements are available for the child including: "traditional" foster homes, relatives' homes, and residential facilities. With the child safe in an out-of-home placement, plans can be made to find a permanent, safe home for the child. The team develops a plan for each child regarding placement, reunification and adoption decisions. Parents with children in state custody must take steps to eliminate the risk for the children and follow the team's plan. Failure to do so could result in termination of parental rights. Figure 1.1 shows the placement types for the 12,000 foster children as of December 31, 2002.

Figure 1.1 Placement Location of Children in Foster Care



Source: Analysis of division records

While the majority of foster children are placed in foster homes (45 percent), the next most common placements include relatives' foster homes (16 percent) and residential facilities (16 percent). The actual number of children with relative placements is 24 percent, because relative placements make up 77 percent of the court ordered placement types.

Multiple state accounts and federal grants fund the state's foster care programs. The division has multiple programs organized, located, and operated from one or two locations in each county and these staff may work on several different programs. As a result, the amounts budgeted specifically for the foster care category do not comprehensively reflect the funding amounts and sources used to operate the foster care program. The state's 2002 fiscal year foster care budget expenditures totaled over \$52.1 million, but this total did not include more than \$50.3 million spent for adoption and guardianship subsidies and \$20.3 million spent for children's treatment services.

Child deaths rarely occur in foster care and are often preceded by hotline calls

Our review of child fatality statistics showed very few children die in foster care due to abuse or neglect. Table 1.2 shows 147 child abuse and neglect fatalities from 1998 to 2002 with 5 involving foster care children. On average, 70 percent of these cases had calls made to the Child Abuse Hotline or had other contact prior to the child's death.

Table 1.2: Comparison of Child Fatalities and Prior Contacts

Child Fatalities				
Year	Total	Cases with Prior Contacts		Fatalities In Foster Care
		Number	Percent	
1998	25	13	52	0 ³
1999	25	17	68	2
2000	22	13	59	0
2001 ¹	54	41	76	2
2002 ²	21	19	90	1
Total	147	103	70	5

Source: Missouri Child Fatality Review Program Statistics

¹ After 2000, fatality statistics are higher because the data was collected differently--Total fatalities were based on more information than that contained on death certificates.

² Represents statistics received as of January 28, 2003. Not all entities have reported.

³ For 1998, Review Program Statistics inconsistently show no deaths in foster care but one death by a foster parent

The following examples show the relationship between prior contacts and child abuse and neglect fatalities in this 5-year time period:

- Jackson County - 20 of the 27 child abuse fatalities had 95 prior contacts, ranging from 1 to 15 contacts per household.
- St. Louis County and the city of St. Louis - 35 of the 48 child abuse fatalities had 119 contacts, ranging from 1 to 11 contacts per household.

Most fatal child abuse cases had prior DFS contacts

The prior contacts could have concerned the child or other members of the household and the division may not have substantiated the complaint raised.

Table 1.3 shows a breakdown by the abuse perpetrator and demonstrates natural parents and paramours¹ caused more child abuse deaths than foster parents.

Table 1.3: Child Abuse Fatalities by Perpetrator

Year	Total Fatalities	Death Caused By			
		Relative ¹	Child Care Worker	Foster Parent ²	Unknown
1998	25	19	1	1	4
1999	25	17	1	0	7
2000	22	19	0	0	3
2001	54	28	2	2	22
2002	21	9	1	1	10
Total	147	92	5	4	46

Source: Missouri Child Fatality Review Program Statistics

¹

Indicates parent, step parent, parent paramour, or other relative

²

For 1998, Review Program Statistics inconsistently show no deaths in foster care but one death by a foster parent

The above statistics confirm the need for a foster care system to provide a safe haven. Notwithstanding the merits of foster care, the audit determined improvements could be made in managing the foster care program.

Foster children did not receive required oversight visits

Audit tests of local office case files (*see Appendix I, page 22, for further details*) showed social workers only made the required twice-a-month, in-home visits in 4 of 170 cases. Division workers did not visit 14 children within 6 months of our review date and 3 children in over 1 year from our review date. Another 24 children had no record of any in-home visits by division workers. Only 26 percent of the cases reviewed had a visit within 30 days of our review. We measured the time between the last documented visit and our case file review date. Table 1.4 shows the results of our review.

Table 1.4: Days Since Last Documented In-home Visit

Days	Number of Cases	Percent
0-30	45	26.5
31-90	62	36.5
91-180	22	12.9
181-360	14	8.2
361+	3	1.8
No Visits ¹	24	14.1
Total	170	100

Source: Audit analysis of individual case files

¹There were no documented visits in the case file for the child/children

¹ A paramour is defined as one who takes the place, without possessing the rights, of a husband or wife.

Of the three cases with the largest time span between visits, one child had not been visited since December 2001, and one was placed with a relative in Texas. Neither Missouri nor Texas officials visited the child for 3 years until their guardianship was finalized.

Home visits are necessary as a quality control, even if the worker has seen the child in other circumstances such as supervising a natural parent visit or a school visit. Routine visits to the foster home ensure the home meets state standards and help assess a child's progress towards adjusting to the new living arrangement. During these visits, division officials observe the home's condition and meet with the foster parents and foster child. The visits also confirm the child is present in the home. Because of the pressure of many duties, some workers inappropriately replaced home visits with these other contact situations. Because case files often had incomplete documentation, it was not always possible to determine when the worker had seen the child in such other circumstances.

A second test of 170 cases regarding foster child contact measured the time between the two most recent home visits documented in the case file. For example, in one case, 12 months passed between visits, with the most recent visit occurring within 30 days of our review. Results of this second test showed:

- 29 cases had 4-6 months between visits
- 13 cases had 6-12 months between visits
- 1 case had more than a year between visits
- 6 cases had only 1 prior visit in the year before the last visit
- 3 cases had only 2 prior visits in the year before the last visit

Children in residential facilities and/or service counties are not usually visited as frequently as others due to insufficient resources and inconsistencies in following policies. Our review of case files showed the number of visits to children in residential facilities varied. One county's supervisors said limited resources prevented visits from workers in either the home county or the residential facility county. Division officials stated while children in residential facilities may be considered less at risk than others, they may be less likely to succeed in their placement without visits from interested parties.

Our review disclosed division staff do not have a clear understanding of who is responsible for visiting children placed in counties outside their home counties. For example, an infant from one county (home county) had been placed in a foster home in another county (service county) for approximately 9 months, but the service county worker did not realize she needed to visit the child until our review.

Discrepancies were found in documentation of visits

Audit tests of local office case files included reviewing file documentation of home visits, and confirming those visits with foster parents. We noted the following discrepancies:

- One file falsely recorded a home visit which never occurred and was changed after we reviewed it. In investigating this problem, division officials said the social worker was trying to correct mistakes in her documentation of events.
- For 31 of 61 (51 percent) applicable files tested, the dates of visits recorded in the case file narrative did not match visit dates cited on travel reimbursement statements for the same visit. Poor documentation caused doubt as to whether visits took place; however, no improprieties were noted.

Audit tests showed 45 of 176 (26 percent) files reviewed at local offices did not adequately document the home visits in the case narrative. For example:

- The narrative would only state "HV held" as the description of the home visit in the case file, but did not adequately discuss the child's current progress.
- Records of visits to foster children placed outside their home county were incomplete. Workers from the service county are supposed to visit the children, but either did not send the visit documentation to the home county as required or did not make the visits.
- Records of visits were incomplete due to significant delays in updating case records. These delays also do not allow for timely file reviews by division supervisors.

Statewide inventory of children in foster care

After a highly publicized missing child case in Florida, the division did not search for all children in state custody as other states did. Division management stated their system of family support team meetings was sufficient to ensure the children were safe. The team is responsible for monitoring the foster child's and biological parent's progress and assessing needed services. According to policy and as clarified by division management, these teams are required to meet within 72 hours of the child entering foster care. Subsequent meetings should occur at 30, 60, 90 days and every 6 months, or more often if needed, throughout the child's tenure in foster care.

Our audit tests of local office case files disclosed division officials cannot rely only on these team meetings to account for all foster children. Team meetings did not occur as often as required and often did not include all required parties or the foster child. For 124 of 187 (66 percent) applicable files tested, the family support team meetings were not held in timeframes set by policy. Division personnel said difficulties in coordinating meetings with all the team members resulted in meetings not occurring.

Team meetings
do not assure
child safety

The assessment of the foster child's well-being cannot be complete without the presence of all the appropriate team members. In fact, division policy states the minimum accepted participants for team meetings are the parents (or other member if parent is not involved), placement provider, child (if age appropriate), and social worker.

Amid rising concerns over team meetings, we decided late in the audit to focus on the teams during our Greene County visit. Of the 40 foster children files reviewed in Greene County, 3 did not contain the form documenting the meetings, 6 only noted the worker and the supervisor present at the meeting, and 10 did not have a completed signature page (the signature page documents meeting attendees and their agreement or disagreement with the plan).

Our review of 185 case files in selected counties disclosed documentation intended to show identification of attendees at these team meetings was not complete 32 percent (59 of 185) of the time, which made it impossible to determine who attended and whether each agreed or disagreed with the decisions. Audit tests also showed in 14 of 73 (19 percent) applicable cases tested, the age appropriate foster child did not attend the family support team meetings, as required. As a result, the team meeting could not effectively be considered a tool for face-to-face attestation of the location of the child without the child present.

Reviews of procedures at local division offices showed no central process existed to determine the number and location of foster children. A suggested centralized control would be a tracking system organized by child which could show the child's name, date in custody, assignment (foster home, residential facility, etc.), date out of custody, and pertinent telephone numbers and addresses. Such a system, maintained in the local office, would represent a critical management control, could be maintained perpetually, kept current, and better assure a known location for each foster child.

We advised division management in October 2002 we may recommend the need for a foster child inventory as accomplished by Florida and other states in our report. Shortly after this briefing, division management officials directed all area offices to find and certify face-to-face contact with all foster children. The division provided only limited guidance and an inventory form, which caused various offices to approach the search differently. For example, some took photographs (by court approval or suggestion) and others simply documented the visits on the provided forms. Based on results submitted, 142 foster children still had not been seen as of January 24, 2003. The status of these children according to the division is shown in Table 1.5.

Table 1.5: Children Not Accounted For

Status	Number
Runaways	109
Out of State	27
In-State Service County	2
In College	4
Total	142

Source: Analysis of division records

The division officials continue to work on finding the children noted above and as of February 18, 2003, they documented seeing the two children in in-state service counties, and all but 7 of the 27 located out of state. Even though the division's inventory study showed no missing children, division personnel failed to correct problems encountered in the study. During the search, one local office found a small child had not been visited for a year. However, officials still did not start regular visits with the child until we questioned the situation. The search also

brought to light several children incorrectly coded as runaways in the division's computerized tracking system, but again, these problems went uncorrected until we questioned the inaccuracies.

Although the division provided the statistics as a result of the face-to-face reviews, they were inaccurate. Focusing only on the runaway statistics we identified the following errors:

- One child was counted by both the home and service county.
- One child was counted as a runaway when the case had been closed over a year ago.
- One child had been a runaway since April 2002, but did not show up on the division's list as a runaway.

Most of the errors were due to the division's computer system not being updated in a timely manner to accurately reflect the child's current status. There was also confusion on whether the child should be counted by the home or service county.

Runaway foster children are not consistently managed by social workers

As of October 2002, division personnel classified 167 children as runaways; most were teenagers (97 percent). A review of 34 case files from 137 runaways included in the 5 sites we examined disclosed a sporadic effort by social workers to find runaways. Some social workers spent time and effort trying to locate the child while others (9 of 34 applicable, or 26 percent) waited for them to return on their own or be brought back into custody by law enforcement. In addition, social workers stated some runaways regularly call in to report to the social worker but refuse to say where they are. For example:

- One child contacts her worker every couple of months to tell her she is okay. The worker has also checked division income maintenance and Missouri State Highway Patrol records and three other states for records on the child's location.
- A worker has occasional contact with the child, attempted to visit possible locations of the child when she took over the case, and has contact numbers for the child.
- One child has been to the social worker's office several times since listed as a runaway and has been in the hospital twice. Each time the worker attempts to place the child, however, the child refuses the places the worker has available.

Social workers did not follow-up with the foster family in 16 of the 34 applicable (47 percent) cases to understand why the youth fled.

In addition, some social workers had the opportunity to help return the runaways to state custody but took various actions. For example, older foster children are paid to attend an Independent Living Class as preparation for life after foster care and some children attended the classes while on runaway status. In one of these runaway cases, division personnel said a social worker called

the police to take a child into custody; while in other cases, workers allowed the child to attend the class and leave.

Parental rights are not terminated timely

Audit tests of local office case files showed the division does not always initiate termination action on a timely basis. According to federal law, the division is required to begin terminating parental rights if the child has been in division custody 15 of the last 22 months. This law and concurrent planning are intended to help avoid children remaining in the foster care system and more promptly find the child a permanent home.

Under concurrent planning, division workers continue to help the natural parents try to preserve the family unit and reunite the family. At the same time, workers also try to avoid future delays to parental rights termination and the adoption process (if it becomes necessary). For example, concurrent planning allows the team to begin finding the best prospective adoptive parents for the child. Then, if the natural parents do not make the necessary behavior changes, termination and adoption can proceed promptly to the best advantage of the child. A child's safety is intended to be the first consideration in this process.

For the 18,600 children in alternative care during fiscal year 2001, 880 had parental rights terminated before fiscal year 2001, and 561 terminations were completed during fiscal year 2001. The average length of time in care was 24.6 months which exceeded the time allotted in the Adoption and Safe Families Act.

Parental rights terminations were not initiated for 76 of 144 (53 percent) test cases for children who had been in care for 15 of the last 22 consecutive months. For 30 of the 76 (39 percent) cases without timely initiation of termination, the required compelling reason for not terminating was not documented in the file as required. Although there are hurdles to the timely initiation of termination, such as varying judicial circuit's termination filing requirements, the division should increase the timeliness of terminations to provide permanency for children.

Our case reviews confirmed division officials had valid reasons for requesting the juvenile court to terminate parental rights when they did. In the remaining 68 of 144 (47 percent) applicable cases reviewed, termination was initiated appropriately. In these cases, the parents either failed to follow the family support team plan to regain custody, or the parents' voluntarily terminated their rights.

Examples of failing to comply with the team plan included failing to: participate in a required substance abuse treatment program, or prevent the child from being exposed to known sex offenders or others having a history of offenses against the child.

More could be done to place children in foster homes

Numerous trained and licensed foster parents/homes are available, but the division failed to assign them children for care. The division maintains a record of available foster parents, along with a listing of the type of children the foster parents were willing to accept in their home. Steps were recently taken to update these records. The division mailed a survey to 4,500 foster parents asking for updates on information such as their address and child preferences. They received about a 50 percent response rate and are planning on resending the survey to non-responders soon. The survey responses were sent to the county offices to update the system or work with the family on any preferences requiring license changes. Division officials have not yet compiled or analyzed the responses. After several discussions, division management said they are going to go through the responses again to identify those who no longer wish to be in the system.

Foster homes are available for children

Foster parents' desires vary from accepting most any child available to accepting only a child or children they may want to adopt. As a result, there is not always a direct correlation between available foster homes and children needing placement. Division officials said hard-to-place children (those who are older or with severe medical, emotional, or behavioral problems) were the primary reason for having vacant foster homes.

Cases reviewed in local division offices identified the number of foster homes and foster child placement activity within those locations. Table 1.6 shows that 16 percent of the available foster homes are not used.

Table 1.6: Foster Home Placement Activity

County	Number			Percent Without Placements
	Foster Homes	Without Placements	Over ¹ Capacity	
Audrain	49	18	0	37
Boone	182	51	2	28
Greene	386	71	2	18
Jackson	1,006	160	7	16
Jasper	281	45	1	16
Miller	22	9	2	41
City of St. Louis	1,123	150	9	13
St. Louis County	904	137	1	15
Total	3,953	641	24	16

Source: Audit analysis of division records

¹Represents homes with more foster children than policy allows or more children with significant behavior problems than policy allows

In Miller County, 41 percent of the foster homes do not have placements. This situation is compounded by the two foster homes housing more children than policy allows. Seven of the eight locations in our tests had homes with no placements at the same time they had homes with more children than policy allows. (See Appendix II, page 25, for more detail on placement policies.)

To gain a better understanding of these statistics, we interviewed foster parents who did not have placements. We wanted to determine if these foster parents chose to not accept foster children and if it was not at their request, why the foster parent did not receive placements. The interviews included questions concerning the foster parents' desires for placement, types of placements (infants, toddlers, teenagers, special needs children), availability for placement, and experience with the division in obtaining placement. Table 1.7 shows a summary of foster parents' desires for placement and the division's actions.

Table 1.7: Interviews With Foster Parents

Location	Contacted	<u>Placement Desired</u>		Currently Have Placements¹
		Yes	No	
Statewide	79	32	31	16
Greene County	28	8	16	4
Miller County	4	1	3	0
Total	111	41	50	20

Source: Phone interviews with foster parents with no placements

¹ Subsequent placements, relative placements, or from other agencies

As the table shows, foster parents wanted placements but did not receive them. This analysis included randomly chosen homes statewide, homes in counties having high percentages of children placed outside the county, or having several overloaded foster homes. Table 1.8 shows the number of children placed outside of their home county for the five largest counties visited.

Table 1.8: Children Not Placed in their Home County

County	Number of Foster Children	Number Placed Outside County	Percent Placed Outside County
Greene	862	271	31.4
Jackson	1,211	26	2.2
Jasper	639	56	8.8
St. Louis City	2,014	187	9.3
St. Louis County	1,396	72	5.2

Source: Audit analysis of division records

Keeping the children in their home county can help with reunification efforts and cause less trauma. Children may be placed outside their home county due to placement in residential facilities or relative homes, or due to ineffective use of available foster homes. Our interviews also indicated 21 of 41 (51 percent) foster parents who wanted placements were willing to take children up to age 18, contrary to an age barrier cited by the division.

The child's behavior level and the qualifications of the foster parents to handle these behaviors must also be considered when placing children. Examples of foster parents not receiving placements include:

- A foster family completed foster care training and received their license. When they did not receive a placement for some time, they called the division to determine why. Division personnel told them the file had been lost.
- A foster family completed the training and the local division office denied them a license. The family appealed to the Administrative Hearing Section and the Hearing Officer granted the appeal and ordered the license issued. The division issued the license, but the local office made no placements because they did not agree with the decision. However, when we visited this county 6 months after the license was issued county staff had started the process of placing children in this home in a respite capacity (temporary relief for other foster parents).
- One foster family reported the division has not contacted them for placements within the last year. They have called the division, but still have not received placements.

We followed up with the division on nine foster families that told us they did not know why they were not given placements. The results follow:

- Division personnel did not know that three families wanted foster children.
- One family had a history of taking placements and then telling the division to remove the child.
- A prospective foster family did not return division voice mail about a placement.
- Three families placed too many restrictions on types of children they would take, thus it was hard to find a placement.
- One family recently received a placement.

The above examples indicate division personnel missed the opportunity to nurture and manage the foster family inventory. The foster families' concern is they did not know their status. Division personnel either did not know they existed, or would not disclose why they were not getting placements. The social workers may or may not have been justified in their actions judging by the examples on the list above. Failure to return a voice mail should prompt follow-up by the social worker. Not knowing the families want children should not occur if the inventory of prospective foster parents is managed properly.

At least 12 of the 111 foster parents we interviewed who had no placements indicated they did not wish to remain on the list of eligible foster parents:

- After dealing with the division, one foster family said they would never enter the foster care program again. Their complaints included: the quality of service, concerns which were never addressed, and being treated as incompetent people.

- A foster family reported they had problems with a county office and wanted nothing to do with the program. They stated they turned in their resignation in January 2002, however, they were still on the division's list of active foster parents as of November 30, 2002.
- A foster family said their license will be up for renewal in April, but they are not renewing because they were not treated as team members and did not see the teamwork discussed in division training programs.

Some foster parent's comments were positive and supportive of the division and the social workers and the quality of the job they do. Examples included the following:

- "We are very pleased with the worker assigned to us."
- "Our case manager is wonderful."
- "Workers are doing the best they can and more money to hire more workers would help."

Another foster parent told us she understands the extremely difficult decisions faced by the workers and knows that no matter which way the custody decision goes someone is absolutely convinced the decision is totally wrong and is very angry.

The division needs to pay attention to prospective foster parents' desires and capabilities

The process to become a foster parent is complex and involves detailed and lengthy home studies requiring substantial personal information that is requested and evaluated. The required training consists of 9 weeks of 3-hour sessions. It also may be necessary to wait a period of time before a training session begins. The long process should be helpful in "weeding out" those who may be undesirable to the division, as well as letting the family determine whether they wish to continue the process. The following are some examples of issues that went unresolved during the process leading to foster parents obtaining licenses who are unable or unwilling to receive placements:

- Division officials told one family on the day they signed the license they could not continue to operate their in-home day care and also have foster children. Because they operate the daycare as a business, they have not and do not plan to accept foster children.
- A foster family reported having told the division they wanted 2 foster children. However, the caseworker determined their home was large enough for 6 children and licensed them for 6 against their wishes. They were called a year ago to accept a 5-member sibling group, but didn't feel they could handle this number. They still have no foster children.
- One foster parent said the division will not place children in her home even though her cancer is in remission. Before she and her husband started training classes, she informed the division about her medical condition and provided a referral from her doctor. Since licensing them, the division has not given them placements due to her medical condition.

She said it would have been more appropriate for the division to say she would not receive placements before she completed the training and licensing process.

One of the reasons foster families are offered placements they did not prefer is the need to find a place for these children quickly once removed from their homes. Acquiring these children in the state system places pressure on social workers to place them immediately, which starts a cycle of telephoning and coaxing foster parents. While the need may exist, the action of making these offers has to be balanced with the potential of discouraging the foster parents from accepting any placements. For example, one foster parent said she was repeatedly contacted to take more children when she already had as many as she thought she could handle. Each time this happened, she had to deal with guilt feelings because she refused the placement. Another parent reported a worker told her if she would not take another child, the child would be left in his home and could be injured or killed.

Invalid telephone numbers

We used the division's computer system to identify telephone numbers for foster parents we wanted to contact to determine why they had not received foster child placements. A total of 74 of 173 (43 percent) telephone numbers were incorrect. We attempted to obtain valid numbers for those 74 licensed foster parents using Internet searches and by calling local division offices, but only found 28 valid numbers. These invalid numbers coupled with only a 50 percent response rate to questionnaires the division sent to foster parents indicates the division is not effectively managing licensed foster parents. Since these foster parents are licensed and already approved, they could be available to take child placements. Incorrect phone numbers also prevented us from contacting a few foster parents who actually had children in their homes.

Foster parent background checks can be improved and expanded

As part of our file review at local offices, we noted that 15 of 44 (34 percent) applicable tested foster parent files did not contain current (within the last 2 years) criminal and child abuse and neglect record checks. Checks of these records must be made on a regular basis to help ensure the safety of children in care. Foster parents are to be re-licensed every 2 years and background checks should be obtained before the license is renewed.

State law and division policies require prospective foster parents undergo and pass background checks, which include a limited check for criminal convictions and child abuse and neglect histories. However, the division does not routinely require a finger print check or checks made for possible out-of-state criminal records. In addition, the division does not search available Missouri Circuit Court records for potential problem indicators such as orders of protection issued against the prospective foster parent or foster parent needing to be re-licensed. These court records are not identified in the current background checks and could indicate a foster parent has a history of family violence or is unable to control his or her behavior.

The Office of State Courts Administrator (administrator) and the Missouri court system has been converting various circuit court records from manual to an electronic Justice Information System containing files available to authorized authorities on a statewide basis. The conversion has been

ongoing over the last few years and not all courts' records have been converted or made available. However, the administrator has the capability to match prospective foster parents to the existing available court records to identify potential problems. This resource has not been used by the division in background checks, and could have been helpful in identifying potential problems with a foster parent in a recent highly publicized child death case.

Audit tests of this resource consisted of matching licensed foster parents to the currently available computerized court records, producing valuable information for use in screening prospective foster parents. The match showed two active foster parents who have had Orders of Protection against them with one parent having two orders against him. These orders could be a cause of concern for children in their care, and the division was notified.

Conclusions

Management of at-risk children in the care of the division is complex and requires a delicate balance of risk in returning children to their biological parents or finding alternative permanent homes. Multiple disciplines are involved in the decision-making including courts, social workers, juvenile officers, psychologists, foster families, biological families and the children at risk. Cooperation and coordination between these disciplines is critical to achieving consensus on what is best for the child.

Our audit identified program improvements for the division in managing and placing at-risk children in state custody. However, the division is only one of many players in the management process and the responsibility of making the right decision is a joint burden. It is critical the division take the lead in ensuring all the right players are in the process to ensure, as much as possible, the right decision can be made. Implementation of our recommendations will help the local offices, social workers and senior managers in some aspects of this management process.

Recommendations

We recommend the Director, Department of Social Services:

- 1.1 Ensure social workers make foster child home visits frequently enough to ensure the children are safe and are progressing appropriately in their adjustment to their foster home setting. If workers are unable to comply with the required twice monthly visit schedule, management should take proper steps to ensure gaps between visits are kept to a minimum.
- 1.2 Ensure social workers assume their responsibilities for visits for children placed in their counties from other counties and make appropriate reports back to the home counties. In addition, management should ensure workers adequately document details of the child's progress found during each home visit.
- 1.3 Develop and establish a centralized tracking process for use at all local offices. The process should be designed to continuously identify and track the status and location of each child brought into state custody.

- 1.4 Reassess the results of the division's statewide inventory to ensure all problems or inconsistencies identified are corrected, and take steps to improve the timeliness of system updates to accurately show the current status of each child.
- 1.5 Improve the process of arranging and scheduling team meetings to achieve better attendance and documentation. One method could include establishing focus groups of the primary stakeholders to obtain appropriate input.
- 1.6 Ensure local offices follow consistent policy when dealing with foster children who have run away from foster homes. The policy to be followed should include giving appropriate considerations to the child's continuing safety, reasons for leaving the assigned foster home, and reporting a runaway child for custody apprehension.
- 1.7 Where appropriate, take steps to ensure local offices increase the timeliness for requesting termination of parental rights and where not appropriate, ensure the case records document the required compelling reason for not requesting termination. In addition, greater emphasis should be given to concurrent planning to ensure the stage is properly set for beginning the termination process in a timely fashion if it becomes necessary.
- 1.8 Ensure unused licensed foster parents are given the opportunity to be brought into the program, given opportunities to foster children, treated and respected as a critical part of the foster care team, and where possible given children to foster in the child's home county.
- 1.9 Contact all licensed foster parents without current placements and determine their desire to continue in the program and if so, the type of children they would accept.
- 1.10 Establish and perpetually maintain a current and accurate list of foster parents who desire participation in the foster care program.
- 1.11 Maintain a register of inactive foster parents for review when licenses are up for renewal and use to determine if licenses should be renewed.
- 1.12 Ensure proper emphasis is given to maintaining accurate and up-to-date telephone contact information for all licensed foster parents. If the automated and manual systems currently used are not adequate, a better process should be identified and established.
- 1.13 Augment the foster parent background checking process by adding a step to review circuit court records for indications of possible problems as identified by having orders of protection recorded against the foster parent.

Department of Social Services Comments:

Your efforts to look at the foster care program as operated by the Missouri Department of Social Services; Division of Family Services and your recommendations will be a valuable tool to help continuously improve the program's management and services to children and families in need.

*I appreciate your conclusion that the division's **foster care program is a safe haven** for abused and neglected children. It is reassuring to see that the department and division's goals for children are similar to yours – safety of children, permanent, stable homes for children and quality service for children, their families and foster parents.*

Safety of children is, first and foremost, the priority goal for the division. The main job of the division is to assess the child's immediate safety in his/her environment. Staff investigating an allegation of abuse/neglect completes a safety assessment and evaluate necessary action given the evidence found. Our "Safety" performance measure data reflects improved timeliness of initial contact with child when a report is made, reoccurrence rate of children with probable cause child abuse/neglect reports below the federal benchmark, and rate of children with abuse/neglect in foster care below the federal benchmark.

Permanent, stable homes for children are the second goal. Research shows that children do best when they are in a safe and permanent home. The division is required by state and federal law to provide "reasonable efforts" to prevent out-of-home care if the safety of the child can be maintained. The division provides a variety of services based on the unique needs of each family to prevent removal from the home. If the circumstances indicate immediate danger to the child, social workers refer the family to the juvenile/family court for a decision on removal from the home.

Our "Permanent and Stable" performance measure data reflects 65.6% of Missouri children returning home within 12 months, improvement in the percentage of children adopted in less than 24 months, improvement needed in the percentage of children in care and custody less than 12 months with no more than two placements, a decline in the number of months children are in division custody; Missouri is at the national average on percentage of placements with relatives, and 12th in the nation on the time between termination of parental rights and finalization.

Quality Service is the third goal. While the division has made great progress in researching national best practices and establishing policy based on research, often above federal requirements, the resources in Missouri to fully implement and practice quality measures are sorely lacking. Staffing ratios in Missouri are below the National Accreditation Standards and have fallen in recent years due to reductions in federal block grant funding. The division has implemented innovative programs for foster families including; respite care to give foster parents an occasional break and professional parenting training. Yet, resources to more fully support foster families are extremely limited. Compared to other states, foster parent reimbursement rates are the second lowest in the nation.

The department and the division will fully analyze all of your recommendations and those of the Governor, legislators, and Chief Justice, and will work with our partners in the child welfare foster care system to make improvements. As your audit concludes “Management of at-risk children in the care of the division is complex and requires a delicate balance of returning children to their biological parents or finding alternative permanent homes. Multiple disciplines are involved in the decision-making including courts, social workers, juvenile officers, psychologists, foster families, biological families and children at risk. Cooperation and coordination between these disciplines is critical to achieving consensus on what is best for the child.” We are committed to leading the charge for improvements.

(See Appendix IV, page 37, for performance measures data supplied by the Department of Social Services.)

OBJECTIVE, SCOPE AND METHODOLOGY

Objectives

The Department of Social Services, Division of Family Services, Children's Services is responsible for the management and operation of the state's foster care program.

The objectives of the audit were to review the state's foster care program to determine whether:

- (1) Children in division custody are safe, located, and handled according to key provisions of federal and state laws, state rules and departmental policies.
- (2) Foster parents are qualified with an acceptable, non-criminal, non-violent background; adequately trained; and receive appropriate support from the division.
- (3) Social workers are appropriately performing the duties required for all foster children assigned to their caseload; including placement, required case planning, monitoring of each child, and properly documenting all case activities, conditions, and progress.

Audit Scope

Audit fieldwork started during February 2002 and continued through February 2003. Most of the cases reviewed were active during calendar year 2002 and were selected to provide a reasonable cross section representative of the variety of foster care cases handled by the division. The audit staff:

- Reviewed applicable state and federal laws and regulations, division policies and procedures, and division training programs.
- Interviewed area and local employees, supervisors, and other local, area and state level administrative officials.
- Reviewed case files of foster children, biological parents, foster parents, and participated in home visits with division social workers.
- Discussed the foster care program with concerned private individuals, foster parents, various interested public organizations, representatives of private social services providers, and biological parents.
- Reviewed available division records of the number of foster children in state custody over several years and related issues including length of time each child was maintained in state custody, number returned to their biological family, number of times taken into state custody, number of cases involving termination of parental rights and adoption.

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- Obtained information from other state foster care programs for comparative purposes.

Audit Methodology

Each year the division handles a staggering volume of situations where it is necessary, with the advise and consent of the juvenile courts to take thousands of children into state custody. During state fiscal year 2002, about 19,000 children were handled by the foster care program and 12,000 were in state custody at December 31, 2002.

To support staff familiarization and validate planned case testing procedures, the staff reviewed files in two counties before testing in the targeted locations. Therefore the majority of the results of case files tested at local offices are based only on results at 5 key locations: city of St. Louis, St. Louis County, Jackson County, Greene County and Jasper County.

Case file reviews are necessary to fairly determine whether division workers and supervisors have performed the required procedures in compliance with laws, policies, and procedures. We selected 288 cases from over 12,000 alternative care cases from seven counties and one city and made on-site reviews. We also selected 88 of 8,500 case files pertaining to foster parents. Cases were selected to provide some where the child had been in state custody over 5 years and others where custody was for shorter time periods. A similar process was used in selecting foster parent files for review. Case testing criteria was selected from key requirements such as frequency of worker visits in the foster home, timing and participants of family support team meetings, and termination of parental rights. Because not all criteria apply to all cases and not all cases are at the same custodial stage, the number of test items varied from case to case.

Often it was not possible to determine the actual test universe applicable to each case. It was impractical, for example, to identify how many home visits the workers should have made in all the cases we reviewed or in all the cases the division handled because the children move in and out of the system. In addition, while we selected a specific child's individual case for testing, information for that child's siblings was often included and what applied to the child often also applied to the siblings. Only the specific child's information was counted and shown as the testing results. Care was taken to ensure our conclusions were based on case testing results and to show in our report the number of problems found as well as the number of applicable cases tested. The number of case files reviewed and the counties/city involved are listed in Table I.1

Table I.1: Breakdown of File Reviews

County	<u>Number of Files Reviewed For:</u>	
	Foster Child	Foster Parent
Boone	26	10
Audrain	7	14
St. Louis	45	6
Jasper	34	12
Jackson	49	13
Greene	50	12
Miller	27	4
Dent	1	0
City of St. Louis	49	17
Total Files Reviewed	288	88

Source: Cases selected for review

It must be understood that some issues and circumstances cannot be reduced to relatively simple yes or no criteria. The general guidance is that a child's safety is the key concern. If it was easy to tell when a child would be injured by his parents, it would be easy for the division and the juvenile court to know when to remove the child from the home. There is no rule book that clearly spells out in all circumstances just when a child's risk is high enough to justify his or her removal. Similarly, it was necessary for audit staff to make judgments of the circumstances described in the cases to determine, for example, that the decision to postpone requesting termination of parental rights was appropriately based on a compelling reason for the delay.

STATUTES AND REGULATIONS

The State of Missouri's foster care program operated by the Department of Social Services, Division of Family Services, Children's Services¹ is based on federal and state laws and related state regulations.

ADOPTION AND SAFE FAMILIES ACT

The federal Adoption and Safe Families Act (the act), Public Law 105-89 was enacted November 1997 and all states subsequently passed conforming legislation. The act amended the 1980 Adoption Assistance and Child Welfare Act.

The act was intended to enhance children's safety by:

- Specifying that a child's health and safety must be paramount when decisions are made about the initial removal of a child from his or her home, the return home, and the care a child receives while in foster care or in an adoptive family.
- Clarifying that there is nothing in federal law requiring that a child remain in or be returned to an unsafe home. Federal law requires that state child welfare agencies make reasonable efforts to prevent the unnecessary placement of children in foster care and to reunify children in foster care with their families.

The act was seen as necessary to move children who had been lingering in foster care without permanent placement plans into permanent homes. It was believed clearing the state systems of these cases would enable the child welfare system to better respond to new children entering care so they and their families could get the help they need so prompt permanency decisions could be made.

Key provisions of the act include promoting adoption and other permanency options by:

- Establishing expedited timelines for determining whether children entering foster care can be moved into permanent homes promptly. Options include their own family homes, adoptive homes or other planned permanent living arrangements. Two new timelines were established. First, permanency hearings must be held for children no later than 12 months after they enter foster care (6 months earlier than under prior law). Second, state agencies must track new children entering care so that termination of parental rights (termination) proceedings will be initiated for children who have been under the

¹ On December 17, 2002, the governor announced a reorganization of the Department of Social Services to increase the focus on child protection and streamline all functions dealing with child welfare into a new Children's Services Division within the Department of Social Services. The reorganization process is anticipated to be completed by June 30, 2003. By executive order, the governor also established an ombudsman position in the Office of Administration to independently investigate complaints and to monitor the delivery of children's services within the Department of Social Services.

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responsibility of the state for 15 out of the most recent 22 months, unless certain case exceptions apply.

- Requiring that termination of parental rights proceedings be initiated in additional circumstances, including when a child is an abandoned infant, or in cases where a parent has committed murder, voluntary manslaughter, or aggravated assault of another of his/her children. In certain case situations exceptions are allowed.
- Offering adoption incentive payments for states that increase their adoptions of foster children over a base year. States that increase the number of adoptions of foster children in a given fiscal year over a base year receive an incentive payment² for each child adopted above the base year number.

Table II.1 below shows the number of adoptions that were finalized from foster care in Missouri and the amount of incentive payments that were awarded for the increased number of adoptions in fiscal years 1998, 1999, and 2000.

Table II.1: Adoption Incentives Awarded to Missouri

Fiscal Year	1998	1999	2000	2001	Total Award
Previous Yr. Baseline	557	616	817	1205	
Current Yr. Adoptions	616	817	1,205	¹	
Increase In Adoptions	59	201	388	NA	
Bonus Award ²	\$110,999	\$430,364	\$665,819	None ¹	\$1,207,182

Source: U.S. Department of Health and Human Services (HHS) website

¹ Current adoptions were unavailable from the HHS website, however the site indicated no incentive was earned for year 2001.

² The annual incentives were awarded on a pro rata basis because the total amounts for all states exceeded the appropriation.

There are numerous provisions in federal laws that must be complied with as the states seek to respond to the ever growing problems of child abuse and neglect and the related need to remove children from homes of their biological parents for child safety reasons. State laws and regulations generally seek to parallel the federal requirements. Similarly, Children's Services has developed extensive operating policies and procedures to help guide social workers and supervisors in complying with those requirements while handling their assigned case load of children.

² To encourage states to not allow children to remain endlessly in foster care when they cannot safely be returned to their homes, the act provides for an incentive to a state only for adoptions that represent an increase over the number of adoptions achieved in an established base period in that state. For example, if 220 adoptions is the base level, and 222 children are adopted in a specific fiscal year, the state will receive incentive payments for only two children. The incentives are \$4,000 for each foster child adopted above the base and an additional \$2,000 (\$6,000 total) if the child has special needs and is eligible for the federal Adoption Assistance program. (Originally a capped amount of \$20 million was set aside for these incentives, that amount was increased to \$43 million only for FY 2000). The act requires states to use incentive funds for child welfare services, including post adoption services.

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Definitions

"Child" any individual under 18 years of age, or in the custody of the division.

"Child Placing Agency" any person, other than the parents, who places the child outside the home of the child's parents or guardian, or advertises or holds himself forth as performing such services, except attorney, physician, or clergyman of the parents.

"Foster Home" a private residence of one or more family members providing 24-hour care to one or more but less than seven children who are unattended by parent or guardian and who are unrelated to either foster parent by blood, marriage, or adoption.

"Guardian" the person designated by a court of competent jurisdiction as the "guardian of the person of a minor" or "guardian of the person and conservator of the estate of a minor."

"License" the document issued by the division in accordance with the applicable provisions of Sections 210.481 to 210.536, RSMo 2000, to a foster home, residential care facility, or child placing agency to operate its program in accordance with the applicable provisions of Sections 210.481 to 210.536, RSMo 2000, and rules issued pursuant thereto.

"Related" any of the following by blood, marriage, or adoption: parent, grandparent, brother, sister, half-brother, half-sister, stepparent, stepbrother, stepsister, uncle, aunt, or first cousin.

"Residential Care Facility" a facility providing 24-hour care in a group setting to children who are unrelated to the person operating the facility and who are unattended by a parent or guardian.

STATE

Section 207.020, RSMo 2000, lists certain powers of the division including (in subsection 17) accepting for social services and care homeless, dependant or neglected children in all counties where legal custody is vested in the division by the juvenile court. The division typically is required to conduct an investigation of the child's background circumstance and provide a report to the court prior to the legal custody being assigned. The purpose of the background review is to determine appropriate services needed and a treatment plan for the child, and is to include consultation with the juvenile officer and others who are knowledgeable of the child or programs or services appropriate to the needs of the child and shall be completed within 30 days.

Numerous sections of the *Missouri Revised Statutes* Title XII, chapter 210 covering Child Protection and Reformation and chapter 211 covering Juvenile Courts apply to and govern the state's handling of children and the foster care programs. In addition, Domestic Relations, Title XXX, and chapter 453 cover adoption and foster care.

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Similarly, numerous sections of the *Code of State Regulations*, Title 13, Division 40, chapters 30 through 73 cover many aspects relating to child care issues ranging from permanency planning for children to licensing of child placing agencies.

While all the statutes and regulations (along with the department's children's services policies) are important to the appropriate handling of the foster care program, certain statute sections and issues are particularly relevant to our review.

CHILD PROTECTION STATUTES

Section 210.486, RSMo 2000, prohibits any person to operate a foster home or residential care facility without having a license issued by the division or, in some instances, the Department of Health and Senior Services. An investigation is required of the person and an examination of the physical facility is required before the license is issued and the license period is not to exceed 2 years.

Section 210.586, RSMo 2000, requires the division to establish a grievance procedure available to licensees under Sections 210.481 to 210.536, RSMo 2000 and to inform all licensees of those procedures in writing. In addition, Section 210.551, RSMo 2000, requires a procedure allowing foster parents to appeal adverse decisions made by the division affecting their rights.

Section 210.537, RSMo 2000, requires the division to cooperate with and help promote foster parent associations in each county and to provide the associations data, information, and guidelines on the obligations, responsibilities, and opportunities of foster parenting.

Section 210.543, RSMo 2000, requires the division to train and license a separate category of foster parents who are able to provide special care and supervision to foster children who have special needs because of a history of sexual abuse, serious physical abuse, or severe chronic neglect. It also requires additional specialized training for those foster parents and provides higher payment incentives for training to be provided by the division.

Section 210.565, RSMo 2000, requires certain relatives including grandparents who request it be given preference and first consideration whenever a child is placed in a foster home. A relative is defined as a person related to another by blood or affinity within the third degree. The preference is to apply only where the **court** [*emphasis added*] finds that placement with such relatives is in the best interest of the child considering all circumstances.

Sections 210.710, through 210.730, RSMo 2000, require juvenile court involvement in decisions regarding custody of children and typically require written reports be made to the court for review every 6 months during the custody. The court is to review the reports of children continuing in foster care and is to consider whether the child is to be continued in custody. In addition, within 12 months of the initial custody (annually thereafter) the court is to hold a permanency hearing to determine in accordance with the best interests of the child whether the child should be continued in foster care, returned to a parent or guardian, or whether proceedings

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should be instituted by the juvenile officer or the division to terminate parental rights to legally free the child for adoption.

Further, under Section 210.730, RSMo 2000, in the case of children continued in foster care the court is to review the status of the child at least once every 6 months. The percentage of children who are in foster care in excess of 24 months is not to exceed 30 percent in any fiscal year.

Section 210.760, RSMo 2000, requires the division to provide full medical information and history to the foster parents when placing a child with them; give a minimum of 5 days notice before removing a child and provide the foster parent with a written statement of the reasons for removing a child; and arrange for a pre-placement visit of the child, except in emergencies. The division is also to work with the natural parent, using available services, in an effort to return the child to his natural home, if at all possible, or to place the child in a permanent adoptive setting.

Section 210.761, RSMo 2000, specifies that any foster parent that has provided foster care to a child at any time in a 2-year period prior to any hearing concerning the child's case shall be allowed to testify, however, the court may limit the testimony to evidence the court finds relevant and material.

JUVENILE COURTS STATUTES

Section 211.011, RSMo 2000, notes the purpose of chapter 211 is to facilitate the care, protection, and discipline of children who come within the jurisdiction of the court. The court's involvement with each juvenile is to be focused on the child's welfare as well as the best interest of the state.

Section 211.031, RSMo 2000, specifies the juvenile court is to have jurisdiction in several areas including adoption of a person, or the commitment of a child under the age of 18 to the guardianship of the division.

Section 211.101, RSMo 2000, provides for the juvenile court to order a child under the age of 18 be taken into immediate protective custody when it is required for his welfare.

Section 211.171, RSMo 2000, requires the current foster parents, or pre-adoptive parent or relative currently providing care for the child, to be provided notice of, and an opportunity to be heard in, any permanency or other review hearing to be held with respect to the child.

Section 211.177, RSMo 2000, provides for a grandparent to have a right to intervene in any proceeding in which the custody of a grandchild is in issue, unless the juvenile judge decides after considering a motion to intervene by the grandparent that such intervention is against the best interest of the child. The right of a grandparent to intervene pursuant to the provisions of this section may terminate upon the adoption of the child except where the child is adopted by a stepparent, another grandparent or other blood relative.

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Section 211.183, RSMo 2000, requires the court, when hearing proceedings regarding the removal of a child from his or her home, to include a determination of whether the division of family services has made reasonable efforts to prevent or eliminate the need for removal of the child and, after removal, to make it possible for the child to return home.

Section 211.211, RSMo 2000, specifies that parties to a juvenile case are entitled to representation by counsel in all proceedings and calls for appointment of counsel for both the child and the child's custodian when appropriate. Both the child and parent can be represented by the same counsel except when the court believes a conflict of interest exists.

Section 211.444, RSMo 2000, provides for the juvenile court, upon petition from the juvenile officer, or under a petition for adoption filed under provisions of chapter 453 to terminate the rights of a parent to a child if the court finds that such termination is in the best interests of the child and the parent has consented in writing to the termination of his or her parental rights.

Section 211.447, RSMo 2000, provides numerous conditions and situations appropriate to be considered grounds for filing a petition for termination of parental rights with the juvenile court. Among others, examples include a court of competent jurisdiction has determined a child is an abandoned infant, or has determined the parent has committed the murder of another of his/her children.

Section 211.462, RSMo 2000, provides for the appointment of a guardian ad litem in all actions to terminate parental rights, if one has not previously been appointed under Section 210.160, RSMo 2000. The guardian ad litem is intended to be the legal representative, protect the rights of, and advocate for the child in termination proceedings. Among other duties, the guardian ad litem is to ascertain the child's wishes, feelings, attachments, and attitudes and to protect the child's rights and interests.

In addition, this section provides the parent or guardian of the person of the child shall be notified of the right to have legal counsel, and if they request counsel and are financially unable to employ counsel, counsel shall be appointed by the court. Also, when the parent is a minor or incompetent, the court shall appoint a guardian ad litem to represent that parent. The parent's legal counsel is to protect the rights, interest and welfare of a minor or incompetent parent.

Section 211.464, RSMo 2000, specifies that the juvenile court is to provide foster parents, relatives, or other person the opportunity to present evidence for the consideration of the court in the termination proceedings.

ADOPTION AND FOSTER CARE STATUTES

Section 453.005, RSMo Cumulative Supp. 2002, specifies that provisions of Sections 453.005 to 453.400, RSMo 2000 and Cumulative Supp. 2002, shall be construed so as to promote the best interests and welfare of the child in recognition of the entitlement of the child to a permanent and stable home.

In addition the division and all persons involved in the adoptive placement of children shall provide for the diligent recruitment of potential adoptive homes that reflect the ethnic and racial diversity of children in the state for whom adoptive homes are needed. However, placement of a child in an adoptive home may not be delayed or denied on the basis of race, color or national origin.

Section 453.011, RSMo 2000, calls for the court to expedite the trial proceedings and notes it is the intent of the general assembly that the permanency of the placement of a child who is the subject of a termination of parental rights proceeding or an adoption proceeding not be delayed any longer than is absolutely necessary consistent with the rights of all parties. The rights of the child to permanency at the earliest possible date must be given priority over all other civil litigation other than the division's child protection cases.

Section 453.026, RSMo 2000, requires as early as is practical the person placing the child for adoption shall furnish to the court, the guardian ad litem, and the prospective adoptive parent a written report regarding the child.

Also, the division shall promulgate rules and regulations regarding all written information that shall be furnished to the court, the guardian ad litem and the prospective adoptive parent.

Section 453.030, RSMo Cumulative Supp. 2002, specifies that court approval of adoption is required and the approval or denial by the court shall be based on the court's opinion of what is best for the welfare of the person being considered for adoption. In addition, the section covers several other aspects of adoption requirements and also requires the written consent of any person to be adopted who is age 14 or older.

Section 453.065, RSMo 2000, defines types of adoption subsidies available for a child in the custody of the division who has various needs for medical, dental, educational, or other related healthcare and services.

Section 453.070, RSMo Cumulative Supp. 2002, prevents a court from granting a decree for the adoption of a child under 18 years of age until a full investigation, which includes an assessment of the adoptive parents, an appropriate post placement assessment and a summary of written reports as provided for in Section 453.026, RSMo 2000, and any other pertinent information relevant to whether the child is suitable for adoption by the petitioner and whether the petitioner is suitable as a parent for the child, has been made. The report is also to include a statement to the effect that the child has been considered as a potential adoption subsidy recipient.

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The investigation is to be made, as directed by the court, either by the division, a juvenile court officer, a licensed child-placement agency, or other suitable person appointed by the court. An exception to the investigation and reporting requirement is provided.

This section also provides when any adult person or persons over the age of 18, who, as foster parent or parents, have cared for a foster child continuously for a period of nine months or more and bonding has occurred, may apply for the placement of such child with them for the purpose of adoption if the child is eligible for adoption. The agency and court shall give preference and first consideration for adoptive placements to foster parents. However, the final determination of the propriety of the adoption of such foster child shall be within the sole discretion of the court.

Section 453.072, RSMo Cumulative Supp. 2002, provides any subsidies available to adoptive parents pursuant to Sections 453.073 and 453.074, RSMo Cumulative Supp. 2002, shall also be available to a qualified relative of a child who is granted legal guardianship of the child in the same manner as such subsidies are available for adoptive parents. As used in this section "relative" means any grandparent, aunt, uncle, adult sibling of the child or adult first cousin of the child.

Section 453.073, RSMo Cumulative Supp. 2002, authorizes the division to grant a subsidy to a child in one of the forms of allotment defined in Section 453.065, RSMo 2000. Determination of the amount of monetary need is to be made by the division at the time of placement, if practicable. However, the subsidy amount is not to exceed the expenses of foster care and medical care for foster children paid under the homeless, dependent and neglected foster care program. A written agreement is to be entered into by the division and the parents setting forth the particulars of the subsidy, including the time period for which the subsidy is granted.

Section 453.074, RSMo 2000, lists the duties of the division in the administration of the subsidy program. The duties include notification of the adoption petitioners of the availability of a child subsidy, providing them with the related rules and eligibility and so on. This section also requires the division to comply with all federal laws relating to adoption subsidies in order to maintain the state's eligibility for federal funds.

Section 453.101, RSMo 2000, specifies that in the event that the juvenile court does not grant the adoption, the court may order that a guardian be appointed under the provisions of chapter 475, RSMo 2000, to provide long-term care for the child. The order appointing the guardian shall specify the powers and duties of the guardian and the period of time the guardianship shall remain in effect with mandatory review by the court as provided in chapter 475, RSMo 2000.

Section 453.110, RSMo 2000, prohibits any person, agency, organization or institution from the surrender of custody of a minor child, or transfer of the custody of such a child to another, and no person, agency, organization or institution is to take possession or charge of a minor child so transferred, without first having filed a petition before the circuit court sitting as a juvenile court,

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praying that such surrender or transfer may be made, and having obtained such an order from such court approving or ordering transfer of custody. This section provides guidance on the required actions in the event such a transfer was made without obtaining court approval of the transfer of custody.

Section 453.153, RSMo 2000, requires the director of the department of social services to develop and implement a program to work through local churches to find adoptive placements for minority and hard to place children. The program is known as "Missouri, One Church-One Child" program.

Section 453.325, RSMo 2000, requires the division to establish the "Grandparents as Foster Parents Program" subject to available appropriations and itemizes several key factors to be involved, including the financial support of and providing foster parent training for participating grandparents.

CODE OF STATE REGULATIONS

13 CSR 40-30.010 requires the establishment of a case plan for every child in the custody of the division, describes the expected requirements, contents, and allowed time limits.

13 CSR 40-30.020 establishes fees rates and maximum amounts for attorneys and guardians ad litem who provide services in termination of parental rights cases. Legal representation is to be provided to financially eligible persons involved in permanency issues for the foster child.

13 CSR 40-34.012 establishes the criteria for reimbursements to foster parents and residential care facilities for the cost of foster care provided. This section also sets the maximum rates for child foster care as \$139¹ for a child age 0 to 5 years, \$170¹ for ages 6 to 12 years and \$187¹ for ages 13 and over. For reimbursement of care beyond the rates specified, prior authorization from the division is required.

13 CSR 40-32.060 requires the division to determine the ability of parents to support a child who must be placed in foster care and then recommend to the juvenile court that the parents be ordered to support or partially support the cost of foster care.

13 CSR 40-36.001 describes the grievance procedure for a foster/relative/adoptive parent when s/he disagrees with any decision made by the division involving the management of a particular foster/adoptive child. The aggrieved parent must notify the division county office in writing or verbally within ten days of the disputed decision. This section also requires the division to establish an Alternative Care Review Board to provide a further review over child management decisions which cannot be resolved at the division office level.

¹ Actual room and board rates shown by current division budgetary documents are as follows: 0-5 years, \$227; 6-12 years \$277; and 13 and over \$307.

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13 CSR 40-38.010 & .020 define adoption services and sets criteria for provision of adoption services by the division.

13 CSR 40-50.010 addresses the definition, approval, and payment of adoptive homes that receive placement of the child they intend to adopt prior to custody being ordered by the juvenile court.

13 CSR 40-59.020 specifically defines terms used in completing criminal and child abuse/neglect criminal records checks for foster, adoptive, and relative care providers.

13 CSR 40-59.030 establishes procedures for the submission, investigation, and evaluation of criminal and child abuse/neglect records for persons making application or re-application for licensure, approval, or certification as foster, adoptive, or relative care providers for the division.

13 CSR 40-59.050 establishes procedures for release of information pertaining to the nature and disposition of child abuse reports, neglect report(s), or both, for employees and volunteers who are frequently present in child care facilities when children are present.

13 CSR 40-60.010 explains the division's responsibility for licensing foster homes, defines terms used, gives procedures for approval, denial, or revocation of a license. A foster home license is to be issued for not more than 2 years, subject to renewal on expiration.

13 CSR 40-60.020 limits the ages and number of children to be kept in a foster home and the allowed exceptions. The maximum number of children is not allowed to exceed six, including the foster parents' children, and not more than two children under age 2 and no more than four preschool children unless necessary to accommodate a sibling group. Exceptions are made for foster sibling groups and a minor mother and child family groups.

13 CSR 40-60.030 explains who can qualify to be a foster parent and gives the health requirements, and standards of living required. Foster parent applicants are not to receive a license when both are under age 21. Foster parents are expected to be of reputable character, meet certain medical requirements, complete specified foster parent training, and submit to an appropriate home study.

13 CSR 40-60.040 explains foster home physical structure requirements, sleeping arrangements, and fire and safety requirements. The structure of the home must be adequate to provide for the health and safety of all occupants and be large enough to comfortably accommodate the foster family and the foster children in their care.

13 CSR 40-60.050 describes the quality of care to be provided by foster parents and lists the division's expectations in several areas; including education, moral and religious training, discipline, recreation, and supervision. It also describes several responsibilities of the foster parents to the division, the child, and the child's legal custodian.

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13 CSR 40-60.060 requires that with the assistance of the division, foster parents are to keep records on children placed in their care. The required record contents are listed.

13 CSR 40-72.010 this rule serves to support Section 210.246, RSMo 2000, that makes it unlawful for any person to establish or operate a residential care facility without having in full force a written license granted by the division. This rule establishes the numerous requirements a group home must meet in order to qualify for and maintain a license. Group homes are small residential programs caring for 12 or less children.

HISTORICAL PERSPECTIVE

We have observed the problems of child abuse and neglect and the related foster care problems for many years. In addition, we have spent a total of more than 2 audit years reviewing in detail division operations in the foster care program and the audit of child abuse and neglect reporting and response system (Audit Report No. 2000-132).

The problems of child abuse and neglect and the resulting foster children has been gaining greater public and political attention in the United States. Based on numerous media accounts, all too often recognition of the growing problem came as a result of the deaths of children. The direction of systems changes often depended upon whether the death was at the hand of a natural parent or a foster parent. When the death was caused by a natural parent both national and state level changes were demanded to ensure children be removed from the home more promptly and when it was caused by a foster parent, it was demanded the removals not be so hasty. Whatever the direction of the change, front line social workers were given ever greater responsibilities and caseloads. Available funding at the state level has typically not been adequate to support the number of professional social workers needed and salaries have not been adequate to effectively compete in the job market. These factors, along with often extreme worker stress levels have long resulted in high worker turnover rates and significant training challenges for the states.

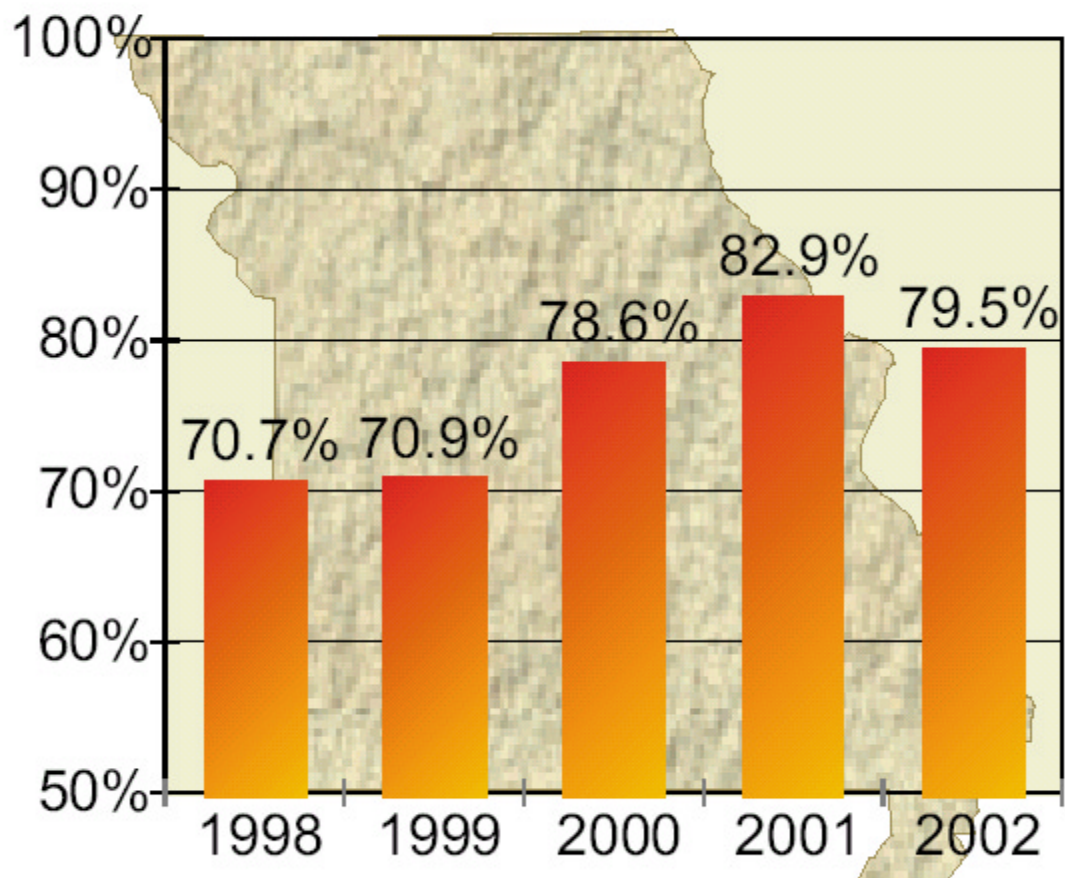
More recently public and political attention has again been focused on various states having problems with children lost within the child welfare system and by more tragic deaths of children both in and outside state custody. Parent drug and substance abuse has significantly impacted the already substantial problems child protection systems must deal with. Though we did not attempt to track the number of related instances, numerous cases reviewed showed the ultimate cause children were taken into custody related to drug behaviors of their parents. Examples included cooking methamphetamine with one or more child present, serious chronic neglect, and law enforcement raids on drug houses where children were found present.

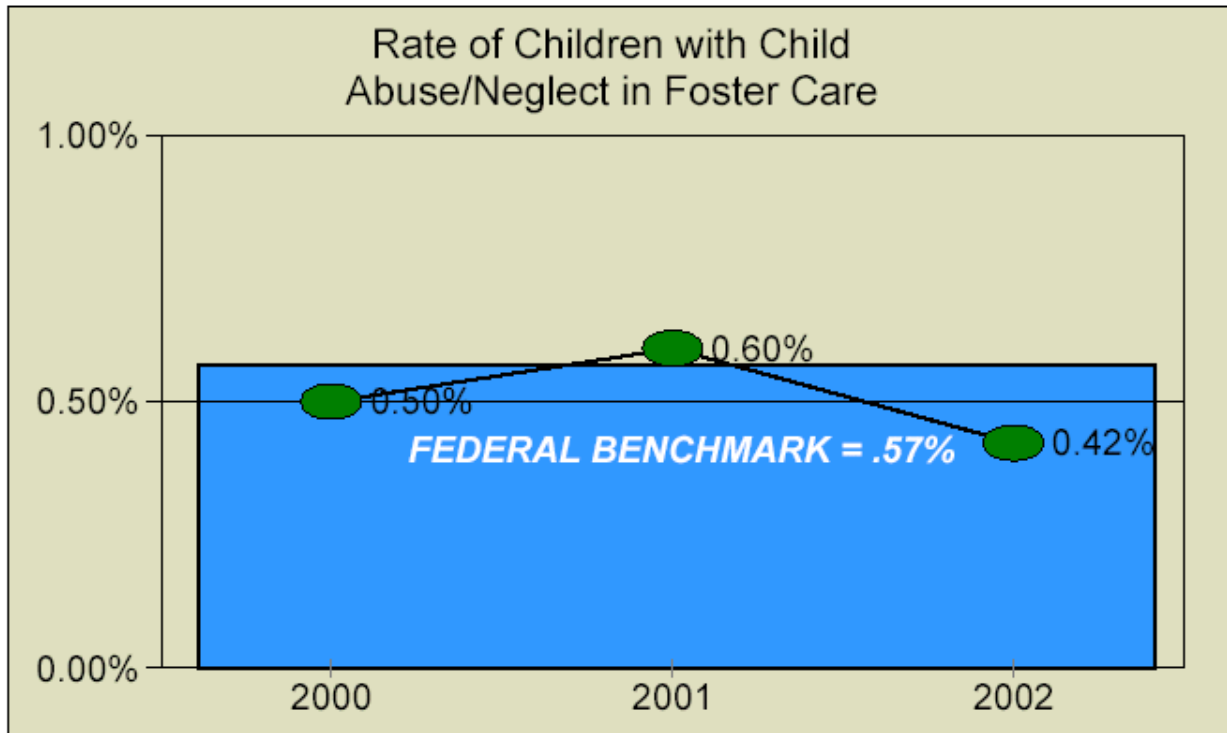
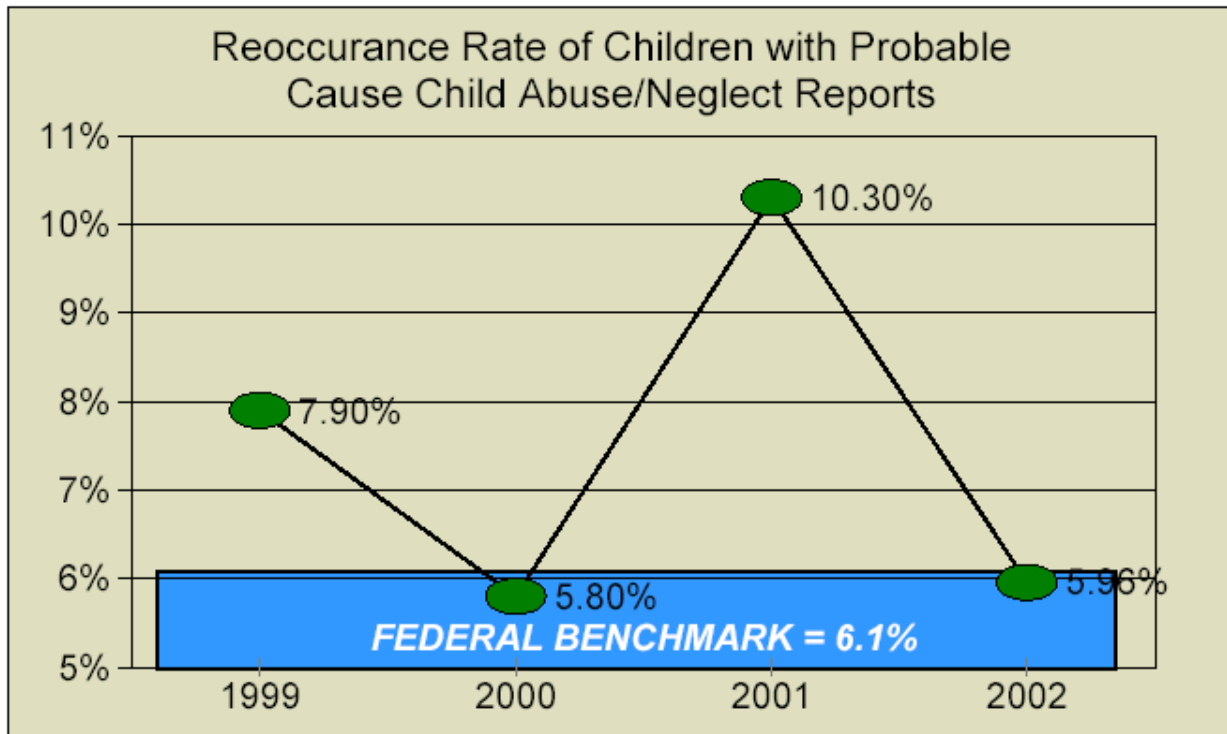
Far too often children end up severely injured and emotionally damaged before they come to the attention of the system or before enough evidence is developed to remove them from their tormentors. Discussions with foster parents and child counselors revealed a high incidence of children suffering from serious psychological trauma. Many of the children in foster care were said to be afflicted with conditions such as post traumatic stress, reactive attachment disorder, and fetal alcohol syndrome.

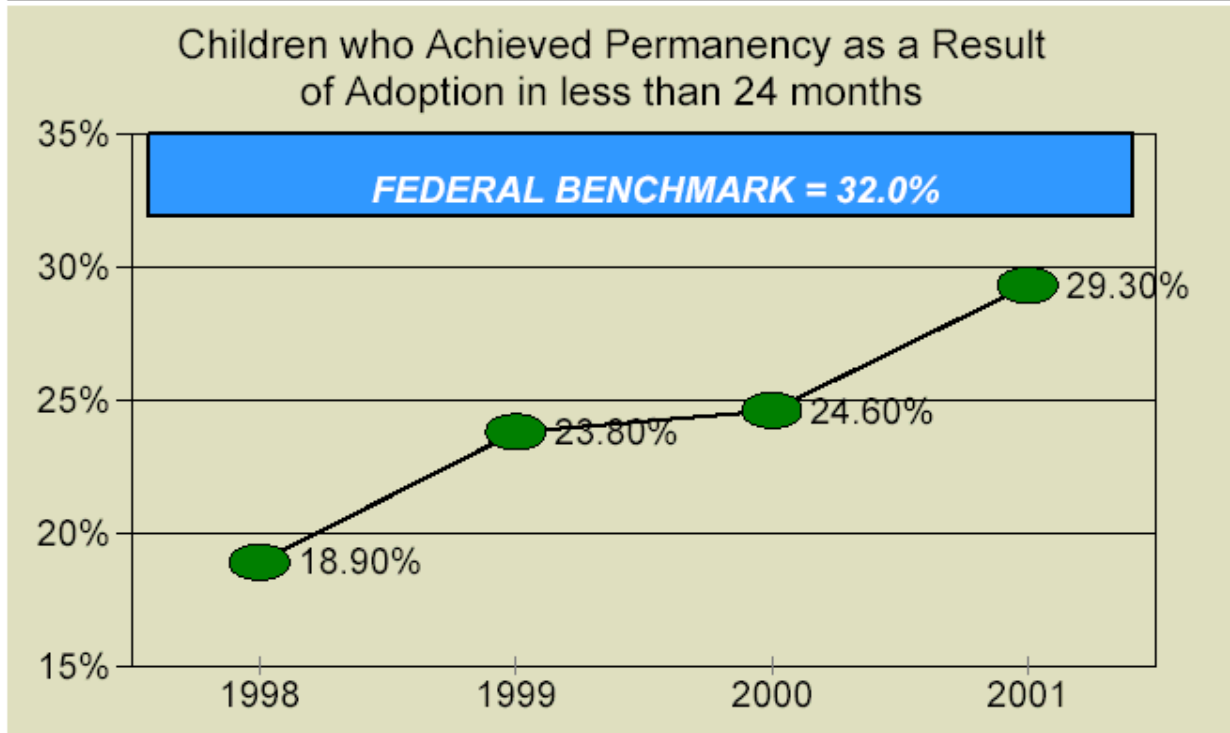
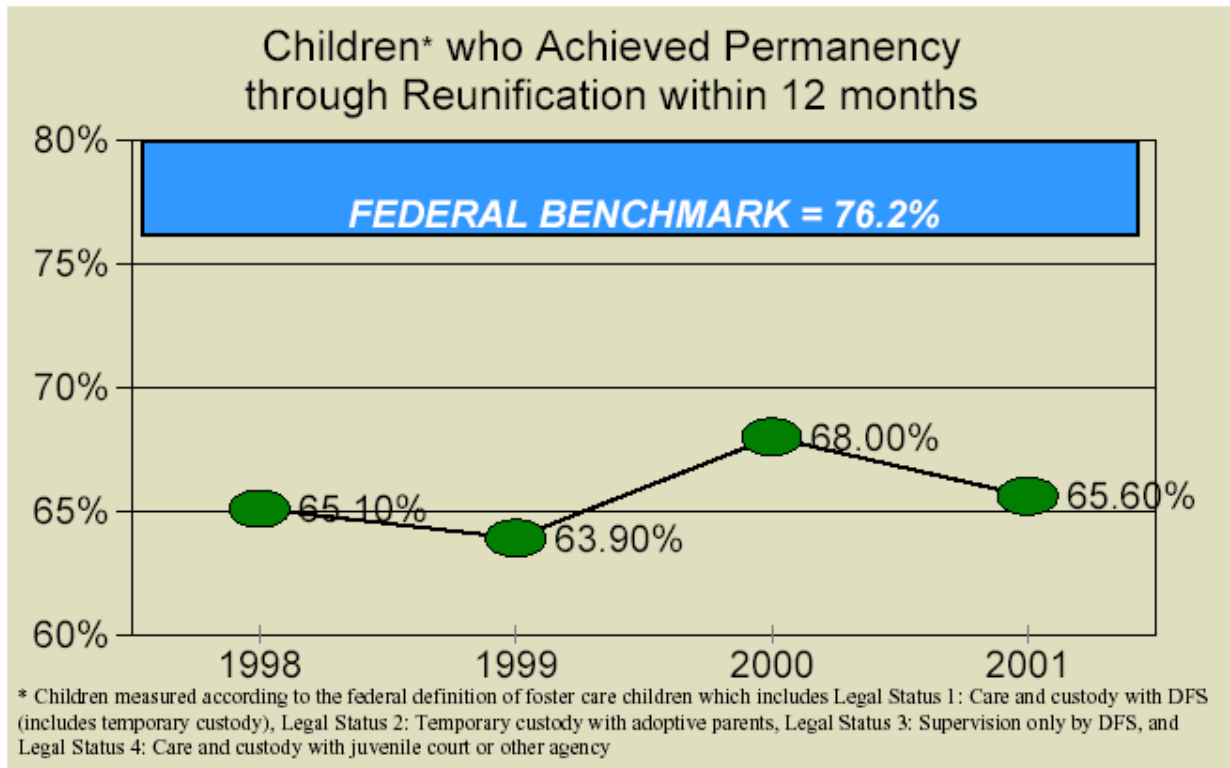
The numbers of children entering the system continues to grow and too many children need help and must end up in the foster care system. Discussions with foster parents and others suggests that many of these children must also receive special education services and are later seen in the justice and prison systems. When they become parents, it is not unusual for them to have their own children taken away for some of the same behaviors they were subjected to.

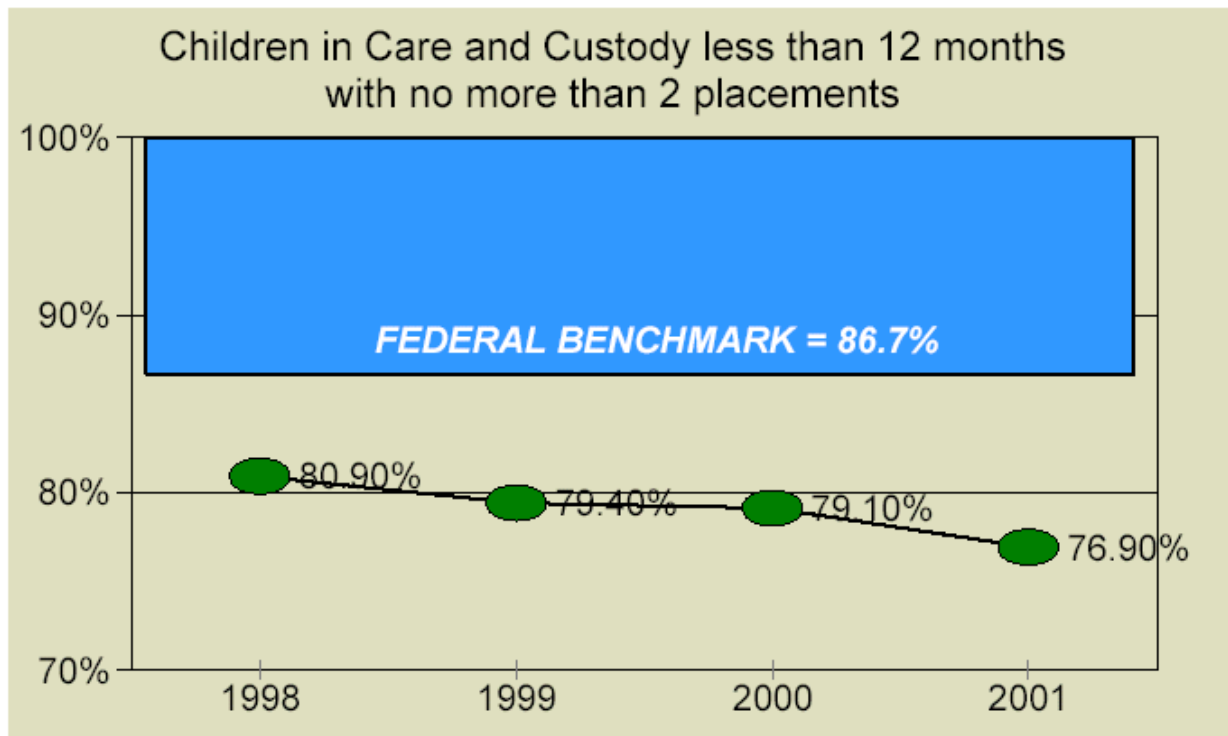
DEPARTMENT OF SOCIAL SERVICES PROVIDED PERFORMANCE STATISTICS

Timeliness of Initial Child Contact Percent Under 24 Hours

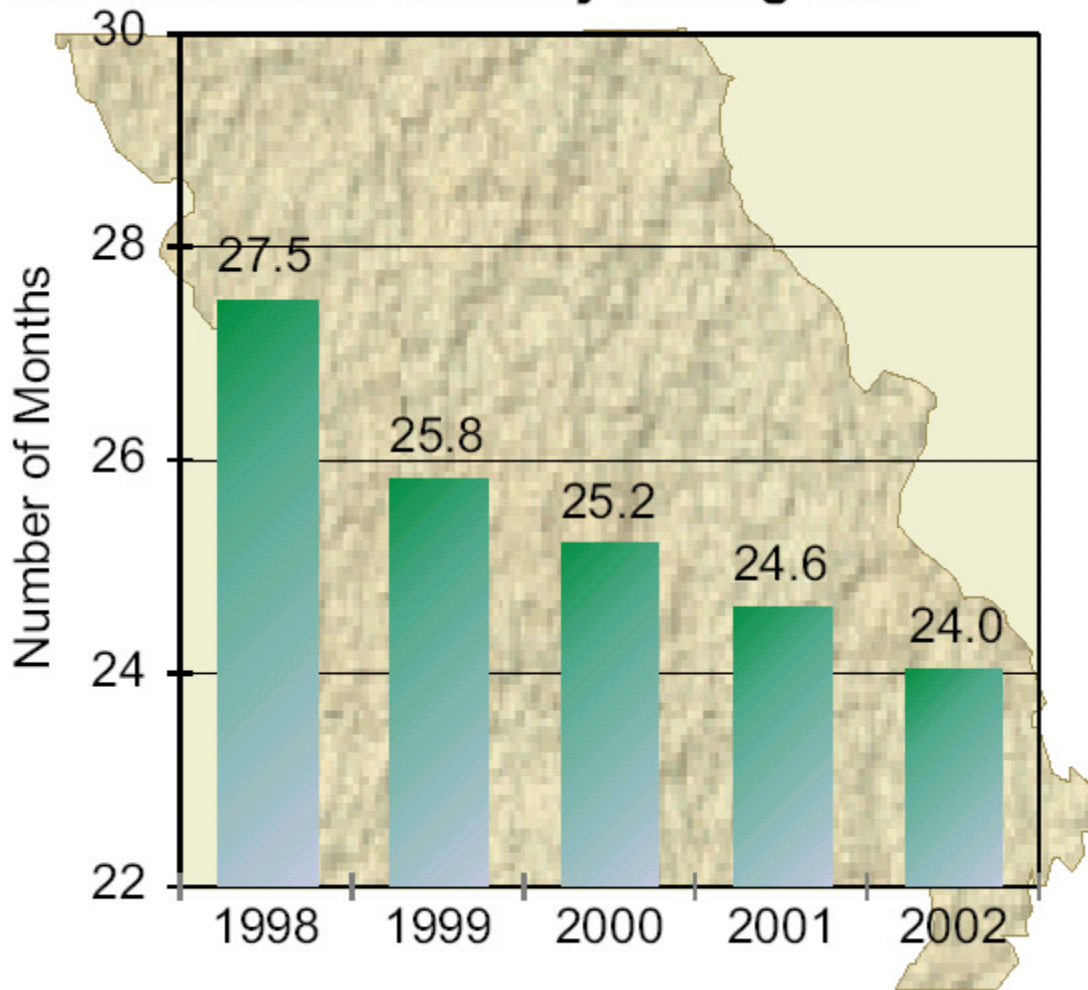




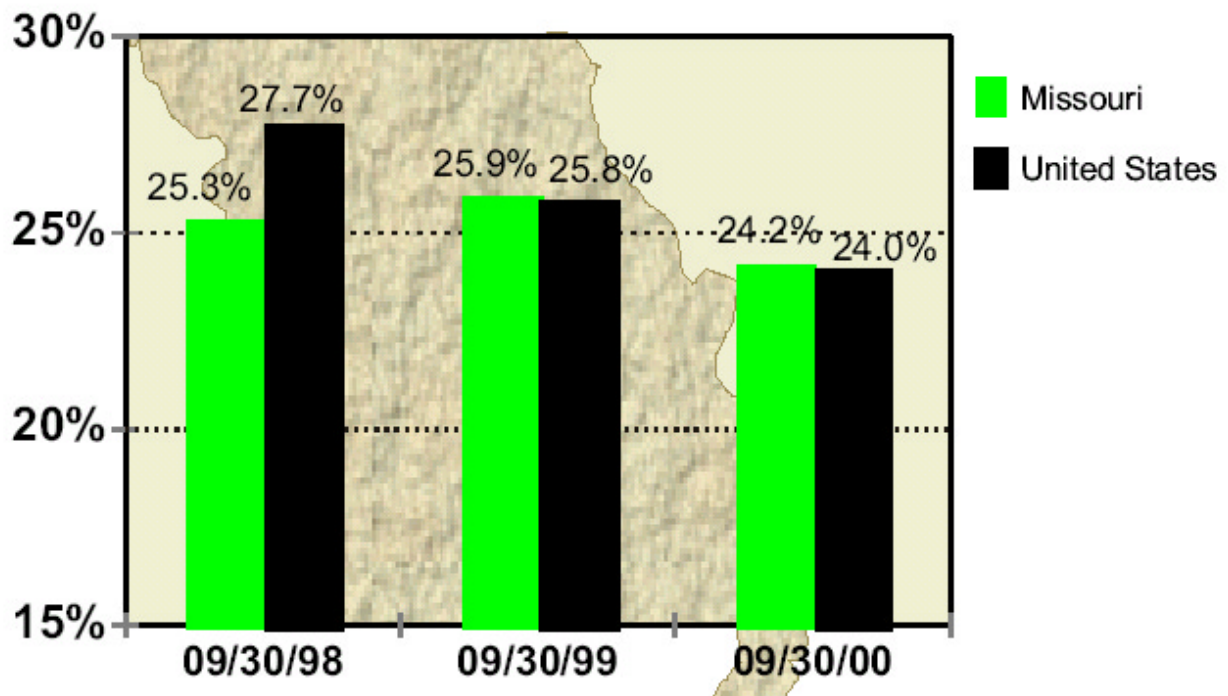




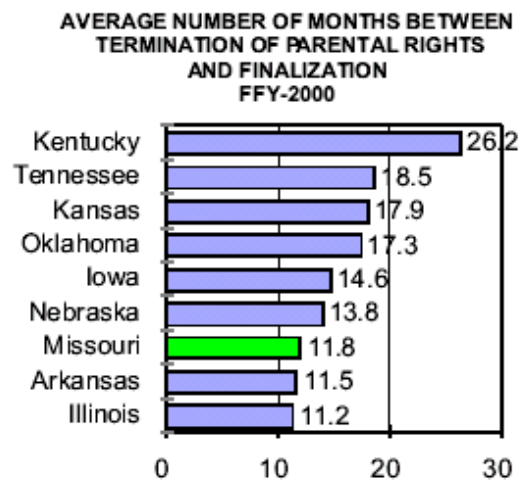
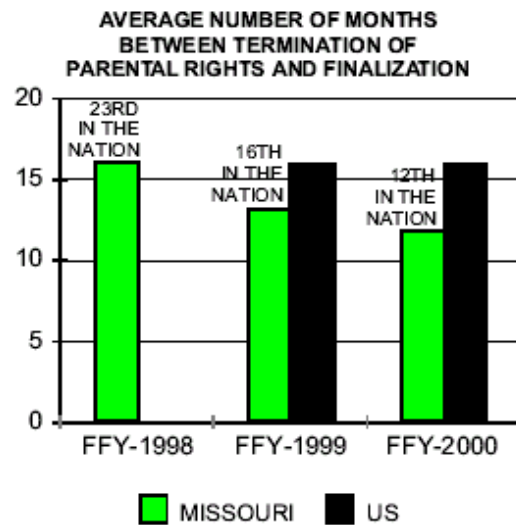
Length of Stay in Foster Care for Children in Custody During Year



Percent of Out of Home Placements with a Relative Missouri and United States Comparison 1998 to 2000

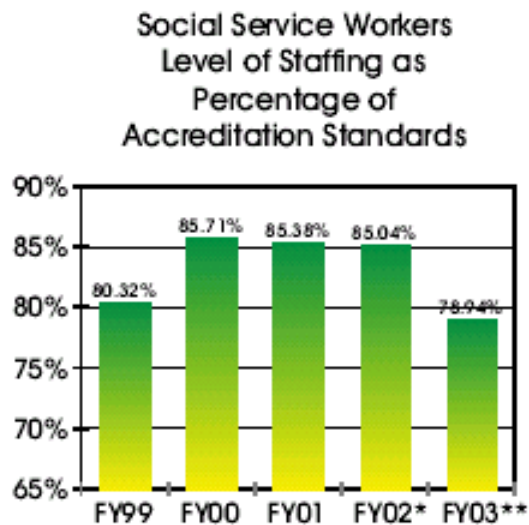


Child Welfare Productivity

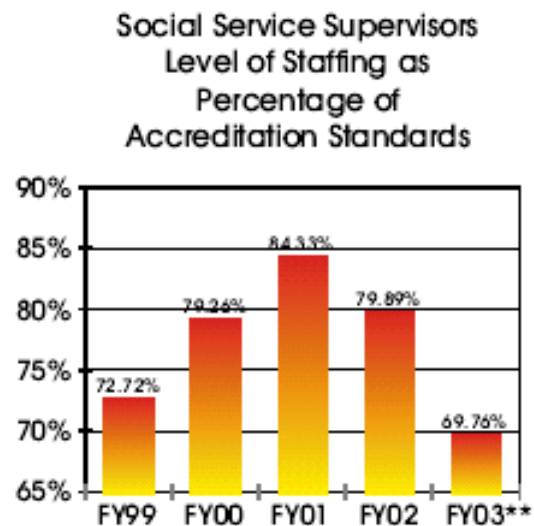


Social Work

Level of Staff as a Percentage of Accreditation Standards



Social Service Workers (SSWs)					
Fiscal Year	Actual SSWs	Accreditation Standards	% Staffed	Contract Staff	% Staffed After Contract
FY99	1,332.00	1,646	80.32%	0	80.32%
FY00	1,359.03	1,586	85.71%	0	85.71%
FY01	1,386.68	1,695	81.83%	60	85.38%
FY02*	1,480.80	1,836	80.68%	80	85.04%
FY03**	1,384.42	1,831	75.60%	61	78.94%



Social Service Supervisors			
Fiscal Year	Actual Social Service Supervisors	Need Based on Accreditation Standards	% Staffed
FY99	171.00	235	72.72%
FY00	180.00	227	79.26%
FY01	204.00	242	84.33%
FY02	209.00	262	79.89%
FY03**	183.00	262	69.76%

*By the beginning of FY02, the Department of Social Services (DSS) was successfully filling Social Worker positions that had been difficult to fill when funded in FY00 and FY01. In FY02 Missouri's Social Services Block Grant federal funding used to support SSWs and other staff decreased, and the General Assembly did not fund a request to replace the lost federal funds with General Revenue. DSS was able to manage the federal funding loss in FY02 by maintaining staff vacancies in other areas. The FY03 budget was reduced to account for the decrease in federal funding.

**FY03 numbers are budgeted positions. Other years are actual staffed positions.

Department of Social Services
February 2003